

Editorial: Resolution's tighter reins on bail would serve public

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This Halloween will be a grim one for the friends and loved ones of Timothy Brenton, the Seattle police officer who was shot to death on Oct. 31, 2009, in what has been described as an assassination. Within a month, four Lakewood police officers were gunned down in a Pierce County coffee shop, victims of a known criminal who was out on bail following rape charges.

Those tragic incidents, accompanied by a couple more in which law enforcement officers were shot at or wounded, weighed dramatically on lawmakers' minds when they gathered in Olympia last January.

In such an atmosphere it would have been easy to overreact. We cautioned as much in an editorial published in December. Gov. Chris Gregoire, recognizing the emotional high tide, urged legislators to be thoughtful and deliberative.

And that's what they did, producing a carefully designed constitutional amendment that might have spared the four Lakewood officers.

House Joint Resolution 4220 would allow judges to deny bail to certain suspects charged with felonies that could result in their spending life in prison. It is narrowly crafted and equipped with safeguards against abuse of constitutional rights.

Under the present Washington Constitution, the judge who released Maurice Clemmons pending trial had few options. Clemmons, who then shot the Lakewood police officers, would have had to be facing aggravated murder charges to be denied bail – even though he was charged with a violent crime and had recently had a 118-year sentence for armed robbery commuted in Arkansas. Bail is a mechanism designed to prevent a defendant from fleeing, not to punish him or her for crimes charged.

Although a flurry of bills were introduced in reaction to the spate of attacks on police, the one that emerged – HJR 4220 – was written with broad input from criminal-justice experts from both prosecution and defense orientations.

The ballot measure does a relatively simple thing. It broadens the circumstances under which judges can deny bail. If people charged with the most serious crimes are shown by "clear and convincing evidence" to pose a risk to public safety, they can be held without bail – as can happen in federal court. The decision is subject to immediate appeal.

Even though the original measure cleared the House by a comfortable 80-17 margin, sponsors fine-tuned it to address due-process concerns. In its final version, HJR 4220 passed 48-0 in the Senate and 92-4 in the House.

Human rights should not be taken lightly, but neither should public safety. HJR 4220 respects both, and it deserves voters' approval.